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UNITED NATIONS HUMAN RIGHTS COUNCIL

To the Human Rights Council Working Group on the Universal Periodic Review

4th UPR Cycle, 44th Session, Review of the Russian Federation

Joint Submission  
from non-governmental organisations

**Illegal transfer of Ukrainian prisoners from Kherson to Russia**

Submitted by Protection for Prisoners of Ukraine  
jointly with European Prison Litigation Network and Russia Behind Bars

3 April 2023

## Introduction

1. This joint submission is intended to draw the attention of the United Nations Human Rights Council and the United Nations Member States to the situation of Ukrainian prisoners who had been serving their sentences in Kherson and Mykolaiv penitentiary facilities and were illegally transferred to Russia after the occupation of Kherson Region by the Russian occupying forces during their retreat from Kherson in November – December 2022.

2. The submitting organisations would like to draw the attention of the United Nations Human Rights Council and the United Nations Member States to the prolonged, illegal detention of Ukrainian prisoners by the Russian authorities, in the absence of any legal grounds for their deprivation of liberty in Russia, either under the domestic law of Russia, or under international law.

3. The submission is prepared and lodged by three non-governmental organisations:

(1) *Protection for Prisoners of Ukraine* (PPU) is an organisation that investigates and documents torture and ill-treatment of prisoners in Ukraine, and provides counselling and legal assistance to victims of torture and their families

(2) *European Prison Litigation Network* (EPLN) is a network of non-governmental organisations active in the protection of prisoners' rights. It currently brings together 25 national NGOs and bar associations from 18 Council of Europe Member States

(3) *Русь Судящая* (Russian Imprisonment / Russia Behind Bars Foundation, RBB), the foundation providing legal assistance to the victims of human rights violations on the part of law enforcement, judicial, and penitentiary systems of the Russian Federation

## Facts

4. On 9 November 2022 the Russian authorities announced a retreat of Russian forces from Kherson, which was under occupation since 2 March 2022.<sup>1</sup>

5. Based on the interviews conducted by PPU and EPLN with prisoners who were left in the region after the retreat of the Russian forces, the submitting organisations identified the dates when the penitentiary facilities were occupied. According to the Ukrainian prison data obtained by PPU, at the time of the occupation of Kherson by the Russian forces, there were 2,225 prisoners detained in the

penitentiary facilities in Kherson and Mykolaiv Region. The information about the facilities, dates when they were occupied by the Russian forces, and the number of prisoners in each of them is summarised in the table below.

Facility	Date of the occupation	Number of prisoners
Darivka correctional facility (no. 10)	28 February 2022	703 (including 552 convicted prisoners, 59 prisoners who were undergoing medical treatment, and 2 suspects who were detained on remand)
Snihurivka correctional facility (no. 5)	14 June 2022	97 (including 10 life prisoners and 2 suspects / accused detained on remand)
Northern correctional facility (no. 90)	11 May 2022	882
Hola Prystan correctional facility (no. 7)	3 March 2022	258 (including 95 convicted prisoners and 3 suspects / accused who were detained on remand)
Kherson Pre-trial Detention Centre	1-11 May 2022	285 (including 13-15 life prisoners and 41 “transit” prisoners awaiting transfer to other facilities)

6. In the mid-November first reports came from the relatives of prisoners convicted by Ukrainian courts who were serving their sentences in Kherson prisons (correctional colonies and medical prison facilities) that they were transported to penal facilities in Russia (in total around 2,500 of inmates).<sup>2</sup> The transfer of convicts from Kherson followed a similar forced transfer of prisoners of war and civilian internees from the occupied regions by the Russian forces.<sup>3</sup>

7. In May 2022 prisoners from Kherson and Mykolaiv Regions (including colonies nos. 10 (Darivka), 90 (Kherson), 5 (Snihurivka), 7 (Hola Prystan) were transferred to correctional colony (IK) no. 7 in Stara Zburivka, about 50 kilometres from Kherson. Two weeks before the Russian retreat from Kherson, in November, Russian soldiers started transporting prisoners from Zburivka to the occupied Crimea and Genichesk (Kherson Region). From there the prisoners were taken to the penal colonies in Russia, including:

- Krasnodar Region: IK-2, IK-3, IK-5, IK-9, IK-11, and IK-14 (around 300 prisoners),
- Volgograd Region IK-19, IK-26, and LIU-23 and 15 (medical prison facilities) (around 140 prisoners),

- Correctional colonies in Vladimir Region and, allegedly, Sverdlovsk Region,
- Rostov Region: Prison tuberculosis hospital no.19, LIU-20.<sup>4</sup>

8. It appears that the transfer was carried out with the involvement of the Russian Service for the Execution of Sentences (the FSIN). Most of the prisoners were subjected to ill-treatment and tortured in a remand prison in Simferopol, on the way to penitentiary facilities in Russia, and have been held separately from Russian inmates (or foreigners convicted and serving their sentences in Russia). Prisoners allocated to IK-19 Volgograd Region were severely beaten upon arrival.<sup>5</sup>

9. Ukrainian prisoners transferred to the Russian colonies are not allowed to contact their families or other inmates. Some of the prisoners, reportedly, were formally allowed to send letters, but were unable to pay for the dispatch.<sup>6</sup> Neither the relatives were able to get confirmations about the transfer from the FSIN. The only way of communication with the prisoners allocated to the correctional colonies in the Krasnodar Region is cell phones illegally handed to them by “regular” inmates. As for the Volgograd Region, even this channel of communication is inaccessible and the situation of transferred prisoners in that region, as well as their exact numbers, can only be judged by hearsay. Russia Behind Bars and PPU have organised and maintained the collection and exchange of the information among the relatives of transferred prisoners. In parallel, RBB has been lodging individual inquiries with the prison administrations in respect of all identified transferred prisoners, and electronic messages to the prisoners themselves, via the FSIN online message service, in attempt to “ping” the communication system and get acknowledgments of receipts proving that a particular person is indeed held in the particular facility.<sup>7</sup>

10. Some of the prisoners allocated to the correctional colonies in the Krasnodar Region, upon the expiry of the terms of their sentences imposed by the Ukrainian courts, have been gradually released only to be immediately re-detained in view of the alleged violations of the Russian migration law. They were sentenced to fines and administrative expulsion and placed in detention centres for illegal migrants (in Gulkevichi and Novoukrainskoye in the Krasnodar Region, and in Volgograd). Some of them have been released from the detention centres, allegedly, after an intervention from the Russian Ombudsperson. RBB and PPU are assisting the released prisoners with itinerary planning, accommodation, and border crossing.<sup>8</sup>

11. To date, PPU has established the identity of 318 transferred prisoners. The location of ten of them is currently unknown. 74 prisoners were released from the correctional colonies in Russia upon the expiry of their sentences and placed in the temporary detention centres in Novoukrainskoye (Krasnodar Region) and in Volgograd. One prisoner, Mr Sergey Magura, died of illness on 30 December 2022. 15

prisoners were released. Eight of them have returned or currently returning to Ukraine with the assistance of PPU, another four refused to return, and the location of three released prisoners is unknown.<sup>9</sup>

12. On 30 January 2023 14 prisoners from Kherson detained in the temporary detention centre in Volgograd were taken to the Russian-Latvian border (border control point Ubylinka-Grebneva), but were not allowed to cross the border by the Latvian border control and were escorted back to the detention centre.<sup>10</sup>

13. The purpose of the transfer of prisoners from Kherson to Russia remains unclear. According to reports received by the submitting organisations, some of the prisoners were persistently offered to take Russian citizenship and even join the ranks of the Wagner Group, an unincorporated military formation which has been recruiting inmates from the Russian (or Russia-controlled) penitentiaries since the beginning of the full-scale military invasions in Ukraine in February 2022.<sup>11</sup>

14. As reported by human rights NGO ZMINA, “most of the detained persons have serious injuries and health problems after brutal torture and prolonged stay in unsuitable premises and inhumane conditions. For many prisoners, transfer without proper medical care may cause additional suffering or even lead to death.”<sup>12</sup>

15. Apart from those transferred to Russia, Ukrainian police reported 457 prisoners released by the Russian occupying forces from remand prisons in Kherson (suspects and accused, as well as lifers) shortly before their withdrawal from the city.<sup>13</sup>

16. On 11 November 2022, the building of Kherson pre-trial detention centre was set on fire<sup>14</sup> by the Russian forces, in an attempt to destroy the evidence of torture of civilians and prisoners which took place at the remand centre (as confirmed by two victims interviewed by CNN).<sup>15</sup>

## **Legal analysis**

### *A. Arbitrariness of detention of the prisoners transferred from Kherson under international law*

17. In accordance with Article 9 of *the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights*, no one shall be subjected to arbitrary arrest or detention. The ICCPR further provides for, that no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law (Article 9 § 1); anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court

may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful (Article 9 §2).

18. According to the Human Rights Committee's General Comment no. 35 on Article 9 of the ICCPR (16 December 2014, CCPR/C/GC/35, § 20), the Covenant is consistent with a variety of schemes for sentencing in criminal cases is consistent with a variety of schemes for sentencing in criminal cases. Convicted prisoners are entitled to have the duration of their sentences administered in accordance with domestic law. Consideration for parole or other forms of early release must be in accordance with the law and such release must not be denied on grounds that are arbitrary within the meaning of Article 9.

19. Pursuant to *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (GA Resolution 43/173 of 9 December 1988):

**Principle 1**

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

**Principle 2**

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

**Principle 4**

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

**Principle 15**

...communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

**Principle 16**

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law ...

**Principle 19**

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

20. Under *the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals (Rule 58). Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed ... to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons (Rule 62 § 3).

21. According to the *UN Human Rights Committee General Comment no. 35 (CCPR/C/GC/35, 16 December 2014)*, arrest or detention that lacks any legal basis is arbitrary (§ 11).

22. The Working Group on Arbitrary Detention, on its part, has stated “time and again that in order for a deprivation of liberty to be justified, it must have a legal basis. It is not sufficient for there to be a national law or practice authorizing the arrest. The authorities must invoke a legal basis consistent with international human rights standards and apply it to the circumstances of the case (Opinions No. 6/2020, § 39; No. 33/2020, §§ 53 and 71; and No. 34/2020, § 44). The Working Group on Arbitrary Detention has repeatedly asserted that holding persons incommunicado violates their right to contest the legality of their detention before a court or tribunal (A/HRC/30/37, § 3). In Communication No. 50/2014, *Mustafa al Hawsawi v. United States of America and Cuba* (opinions adopted on 17-21 November 2014) the WGAD stated, in particular:

“62. International armed conflicts, including situations of occupation, imply the full applicability of relevant provisions of international humanitarian law and of international human rights law, with the exception of guarantees derogated from, provided such derogations have been declared in accordance with Article 4 of the ICCPR by the State party.

...

66. Customary international law prohibits arbitrary detention and arbitrary detention is confirmed as a peremptory norm (*jus cogens*) in the constant jurisprudence of the Working Group (See also the clarification by the International Court

of Justice of the prohibition of torture as a peremptory norm of international law (*jus cogens*) in *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, Judgment, I.C.J. Reports 2012, para. 99)

67. The prohibition of arbitrary detention provides for clear and precise rights and guarantees from which there is no scope for derogations or restrictions under international humanitarian law. Neither can international humanitarian law operate as a principle of interpretation, and it is not *lex specialis* even in the present context of interpretation. The rules and procedures of international humanitarian law must comply with the prohibition of arbitrary detention in international law, and authorities are always subject to review by international and domestic courts for their compliance.”

23. All prisoners, transferred from Kherson were detained solely on the basis of the criminal judgments delivered by the Ukrainian courts before the annexation. Occupation of the correctional facilities of Kherson and Mykolaiv regions on the above indicated dates rendered their detention unlawful, as the occupying forces have no grounds for continuing detention of convicted prisoners. Similarly, their forced transfer and detention in the penitentiary facilities in Russia also lack any legal grounds and amount to arbitrary detention in the light of the foregoing principles and provisions. Neither the unlawful detention nor transfer can be explained, excused, or “legalised” in view of the situation of the international armed conflict.

24. Furthermore, in view of the almost complete refusal of the FSIN to respond to the RBB, other human rights NGOs, and prisoners’ relatives inquiries about the location and condition of the transferred prisoners, and taking into account that most of the prisoners are detained in the Russian colonies *incommunicado*, their transfer and detention amount to “enforced disappearance”, in breach of the Declaration on the Protection of All Persons from Enforced Disappearance and the corresponding *jus cogens* rule.

#### *B. International humanitarian law aspect*

25. The detention of convicted prisoners in Kherson and their subsequent transfer to and detention in Russia occurred in the context of the international armed conflict in Ukraine. Therefore, it entails the applicability of international humanitarian law provision to the situation complained of, in particular, Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention / GCIV), which, by virtue of its Article 2, shall apply “to all cases of partial or total occupation of the territory of a High Contracting Party ...”.

26. Prisoners convicted by the Ukrainian courts who were detained at the moment of occupation of the Kherson Region by the Russian forces fall under the category of “protected persons” under Article



4 of GCIV, as persons “who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals”.

27. On the matter of geographical distribution and / or transfer of convicted prisoners, Article 76 of GCIV provides that “protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. While this provision refers to the convictions and sentences delivered by the Occupying Power, as a general principle it appears to be a fortiori applicable to prisoners sentenced and imprisoned by the authorities of the occupied country. It is especially evident if Article 76 is read in conjunction with Article 49 of GCIV, on which, as explained by the ICRC in the 1958 Commentary, it is based, and which lays down “the fundamental principle forbidding deportations”:

“Art. 49. Individual or mass forcible transfers, as well as deportations of protected person from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive”.

28. According to the ICRC 1958 Commentary, “the prohibition [contained in Article 49] is absolute and allows of no exceptions, apart from those stipulated in paragraph 2”,<sup>16</sup> i.e., evacuation of an area by the Occupying Power. However, the Russian authorities never explained the forced transfer of prisoners from Kherson to Russia as necessitated by evacuation or pursuing safety and security reasons. The actions of the Russian forces during their retreat from Kherson, such as the release of pre-trial detainees and convicted prisoners sentenced to life-imprisonment, as well as the setting fire to the remand prison in Kherson,<sup>17</sup> further refute the version of evacuation, as a potential motive behind the prisoners’ transfer.

*C. Lack of the legal basis for transfer and detention of Kherson prisoners under the domestic law of the Russian Federation*

29. The transfer of the prisoner further does not fall within the scope of “subject[ing] the population of the occupied territory to provisions which are essential to enable [the occupying power] to fulfil its obligations under the present Convention” envisaged in Article 64 of GCIV:

- this provision does not contain any grounds for such “subjecting”, similar to those set out in Article 49;

- No justification has been put forward by the Russian authorities, i.e., the occupying power, nor can any circumstance be identified which would indicate a need for them to “subject the population” ... to provisions which are essential to fulfill their obligations under the Convention;
- Irrespective of the fact that, having regard to the provisions of Article 64 of the Convention, Ukrainian criminal law is still applicable to the transferred prisoners, their continuing detention by the Russian authorities has no legal grounds in view of (a) the “severance” of the causal link between their conviction and the detention, due to the *de facto* enforcement of the sentence outside of the Ukrainian legal framework and (b) additionally, due to the absence of any legal basis for the detention in the domestic law of the occupying power.

30. With regard to the latter, it should be noted that in 2014, following the illegal annexation of Crimea, Russian authorities adopted Federal Law of 5 May 2014 No. 91-FZ “On application of the provisions of Criminal and Criminal Procedural Codes of the Russian Federation in the territory of Crimea and the federal city of Sevastopol”, which provided for that the Russian criminal jurisdiction is retroactively extended on crimes committed in Crimea before 18 March 2014 (date of the illegal annexation).<sup>18</sup> In particular, by this act, the Russian authorities acknowledged the binding legal force of criminal judgments delivered by the Ukrainian courts in Crimea before 18 March 2014, including for the purpose of the execution of sentences (Article 8 of the Federal Law).

31. No similar legal acts were adopted by the Russian authorities following the illegal annexation of the Ukrainian regions of Donetsk, Luhansk, Zaporizhzhya, and Kherson in September-October 2022.<sup>19</sup> Specifically, Article 10 § 16 of the Federal Constitutional Law of Russia “the modalities of the application of the criminal, criminal procedure and criminal enforcement legislation of the Russian Federation in the territory of Kherson Oblast during the transitional period shall be determined by a federal law”,<sup>20</sup> which has not been adopted yet.

32. All prisoners transferred from Kherson were convicted and detained on the basis of judgments delivered by Ukrainian courts before the annexation. However, even under the domestic law, the Russian authorities have no criminal jurisdiction over crimes committed in Kherson Region of Ukraine before its annexation. Neither have the Russian authorities acknowledged the binding force of criminal judgments delivered by the Ukrainian courts before the annexation, including in the part of the execution of sentences imposed on prisoners transferred to Russia. Ukrainian authorities, in their turn, never transferred requested the Russian Federation to take over the execution of their sentences.

33. Accordingly, the Russian authorities have transferred and continue to detain the convicted prisoners from the Kherson Region in the absence of any legal grounds under the domestic law authorising them to do so.

## Conclusion

The submitting organisations respectfully ask the Human Rights Council and the UN Member States to take into consideration the information contained in the present report and to recommend the Government of Russia:

- to explain the grounds for detention and transfer to Russia of prisoners from Kherson and Mykolaiv regions of Ukraine,
- to take appropriate measures to ensure that the rights of prisoner transferred from Kherson and Mykolaiv regions of Ukraine, including their right to life and to physical and mental integrity, are respected,
- to release all the prisoners transferred from Kherson and Mykolaiv regions of Ukraine and to ensure their safe and obstructed return to the territory of Ukraine, under the control of the Ukrainian Government.

Respectfully submitted,

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<sup>1</sup> The New York Times, “Russia Orders Retreat From Kherson, a Serious Reversal in the Ukraine War”, 9 November 2022, available at: <https://www.nytimes.com/2022/11/09/world/europe/ukraine-russia-kherson-retreat.html>; The New York Times, “First Ukraine City Falls as Russia Strikes More Civilian Targets”, 2 March 2022, available at: <https://www.nytimes.com/2022/03/02/world/europe/kherson-ukraine-russia.html>

<sup>2</sup> The Times, “Russia moves Ukrainian Kherson prisoners to penal camps”, 30 November 2022, available at: <https://www.thetimes.co.uk/article/russia-moves-ukrainian-kherson-prisoners-to-penal-camps-kf2fw2svh>

Sirena, “Мама, нас куда-то увозят” (Mama, they’re taking us somewhere), 29 November 2022, available at: <https://tegra.ph/Mama-nas-kuda-to-uvozyat-11-29>

<sup>3</sup> ZMINA, “Russia illegally transfers hostages in the Kherson region: human rights defenders demand a reaction from the world”, 21 October 2022, available at: <https://zmina.ua/en/statements-en/russia-illegally-transfers-hostages-in-the-kherson-region-human-rights-defenders-demand-a-reaction-from-the-world/>

<sup>4</sup> Meduza, “Ukrainian prisoners, potentially numbering in the thousands, taken to Russia”, 29 November 2022, available at: <https://meduza.io/en/news/2022/11/30/ukrainian-prisoners-potentially-numbering-in-the-thousands-taken-to-russia>

Sirena, “Мама, нас куда-то увозят” (Mama, they’re taking us somewhere), 29 November 2022, available at: <https://tegra.ph/Mama-nas-kuda-to-uvozyat-11-29>

Also confirmed by RBB and PPU directly with the prisoners or their relatives. Some of the prisoners were left in IK-2 Sevastopol (occupied Crimea).

<sup>5</sup> The Times, “Russia moves Ukrainian Kherson prisoners to penal camps”, 30 November 2022, available at: <https://www.thetimes.co.uk/article/russia-moves-ukrainian-kherson-prisoners-to-penal-camps-kf2fw2svh>

Sirena, “Мама, нас куда-то увозят” (Mama, they’re taking us somewhere), 29 November 2022, available at: <https://tegra.ph/Mama-nas-kuda-to-uvozyat-11-29>

Also confirmed by prisoners’ statements collected by PPU and EPLN.

<sup>6</sup> Agentstvo, “Українські правозахисники повідомили про вивіз Росією 2500 ув’язнених з Херсонської області” (Ukrainian human rights activists report Russia's removal of 2,500 prisoners from Kherson Region), 28 November 2022, available at: <https://www.agents.media/ukrainskie-pravozashhitniki-soobshhili-o-nbsp-vyvoze-rossiej-2500-zaklyuchennyh-iz-nbsp-hersonskoj-oblasti/>

<sup>7</sup> Sirena, “Мама, нас куда-то увозят” (Mama, they’re taking us somewhere), 29 November 2022, available at: <https://tegra.ph/Mama-nas-kuda-to-uvozyat-11-29>

<sup>8</sup> An interview taken by PPU with one of the prisoners describing the transfer, ill-treatment, detention in a centre for illegal migrants in Ust-Labinsk (Krasnodar Region), and subsequent release: ГО «Захист В’язнів України», “Тюрма, окупація, полон та свобода” (Prison, occupation, captivity, and freedom, 13 February 2023, available at: <https://ngoauu.org/tyurma-okupaciya-polon-ta-svoboda/>

<sup>9</sup> The New York Times, “For Ukrainian Convicts, a Strange Odyssey Through Russian Prisons”, 31 March 2023, available at: <https://www.nytimes.com/2023/03/31/world/europe/ukraine-convicts-russian-prisons.html>

<sup>10</sup> Delfi, “Россия депортировала 14 украинских заключенных, Латвия их не пустила” (Russia deports 14 Ukrainian prisoners, Latvia does not let them in), 1 February 2023, available at: <https://rus.delfi.lv/news/daily/criminal/rossiya-deportirovala-14-ukrainskih-zaklyuchennyh-latviya-ih-ne-vpustila.d?id=55180738>

<sup>11</sup> See: EPLN, “Prisons in wartime: our report on Wagner Group’s recruitments in Russian prisons. Key findings and legal analysis”, available at: <https://www.prisonlitigation.org/wagner/>; See also: Radio Svoboda. “Ув’язнених, вивезених до Росії із окупованих територій, примушують вступати у ПВК ‘Вагнер’” (Prisoners taken to Russia from the occupied

territories are forced to join the Wagner PMC), 17 March 2023, available at: <https://www.radiosvoboda.org/a/vyvezennya-uvyaznennykh-rosiya-prymus-pvk-vahner/32321573.html>

<sup>12</sup> ZMINA, “Russia illegally transfers hostages in the Kherson region: human rights defenders demand a reaction from the world”, 21 October 2022, available at: <https://zmina.ua/en/statements-en/russia-illegally-transfers-hostages-in-the-kherson-region-human-rights-defenders-demand-a-reaction-from-the-world/>

<sup>13</sup> Ukrainska Pravda, “Third of prisoners released by Russians in Kherson returned to remand centre”, 15 November 2022, available at: <https://www.pravda.com.ua/eng/news/2022/11/15/7376442/>

Radio Free Europe / Radio Liberty, 'Beaten Very Badly': Now In Legal Limbo, Ukrainian Inmates Freed When Russia Left Kherson Describe Life Under Occupation, 6 February 2023, available at: <https://www.rferl.org/a/russia-kherson-inmates-occupation-at-large-brutality-abuse/32258907.html>

<sup>14</sup> Ukrainska Pravda, “Pre-trial detention centre in Kherson on fire”, 11 November 2022, available at: <https://www.pravda.com.ua/eng/news/2022/11/11/7376000/>

<sup>15</sup> CNN, “Former detainees in liberated Kherson allege Russian brutality, torture under occupation”, 18 November 2022, available at: <https://edition.cnn.com/2022/11/18/europe/ukraine-kherson-russian-brutality-allegation-intl-cmd/index.html>

<sup>16</sup> The seriousness of the violation of the prohibition of transfers of all or parts of the population of the occupied territory, explains its criminalisation as one of the war crimes under the Rome Statute (Article 8 § 2 (b) (viii)).

<sup>17</sup> Radio Free Europe / Radio Liberty, 'Beaten Very Badly': Now In Legal Limbo, Ukrainian Inmates Freed When Russia Left Kherson Describe Life Under Occupation, 6 February 2023, available at: <https://www.rferl.org/a/russia-kherson-inmates-occupation-at-large-brutality-abuse/32258907.html>

Ukrainska Pravda, “Pre-trial detention centre in Kherson on fire”, 11 November 2022, available at: <https://www.pravda.com.ua/eng/news/2022/11/11/7376000/>

<sup>18</sup> Official Internet Portal of Legal Information, “Федеральный закон от 05.05.2014 № 91-ФЗ ‘О применении положений Уголовного кодекса Российской Федерации и Уголовно-процессуального кодекса Российской Федерации на территориях Республики Крым и города федерального значения Севастополя’”, available at: <http://publication.pravo.gov.ru/Document/View/0001201405050079?index=0&rangeSize=1>

English translation is available at: Cis-legislation, “Federal Law of the Russian Federation of May 5, 2014 No. 91-FZ” [//https://cis-legislation.com/document.fwx?rgn=67121](https://cis-legislation.com/document.fwx?rgn=67121)

<sup>19</sup> UN, “Ukraine: UN General Assembly demands Russia reverse course on ‘attempted illegal annexation’”, 12 October 2022, available at: <https://news.un.org/en/story/2022/10/1129492>

<sup>20</sup> RG.ru, “Федеральный конституционный закон от 4 октября 2022 года № 8-ФКЗ ‘О принятии в Российскую Федерацию Херсонской области и образовании в составе Российской Федерации нового субъекта – Херсонской области’” (Federal Constitutional Law of 4 October 2022, No. 8-FKZ “On admission to the Russian Federation of the Kherson Region and formation of a new constituent entity within the Russian Federation – the Kherson Region), 5 October 2022, available at: <https://rg.ru/documents/2022/10/05/fkz8-site-dok.html>